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Southern District  
81 Main Street, Suite 300  
White Plains, N.Y. 10601  
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Executive Director  
and Attorney-in-ChiefSusanne Brody  
Attorney-in-Charge  
White Plains

May 19, 2020

The Honorable Nelson Stephen Roman  
United States District Court Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601The application is X granted.  
— denied.Nelson S. Roman, U.S.D.J.  
Dated: May 21, 2020  
White Plains, New York 10601Re: United States v. Neftali DesJesus Cantoral-Monroy  
20 CR 165 (NSR)See Scheduling Order (ECF No. 16). Clerk  
of the Court requested to terminate the  
motion (ECF No. 15).

Dear Honorable Roman:

I hope this letter finds you well. I am writing to ask that you please allow Mr. Cantoral-Monroy to be sentenced remotely via a telephonic hearing. I have informed Mr. Cantoral-Monroy that in light of the COVID-19 epidemic, in person sentencings are not currently possible. After discussing his options with the assistance of an interpreter Mr. Cantoral-Monroy told me that he would like to keep the May 29, 2020 sentencing date and that he consents to a telephonic sentencing. I have attached the applicable consent form, which Mr. Cantoral-Monroy authorized me to sign on his behalf.

In light of Mr. Cantoral-Monroy's request to proceed telephonically, I ask that you please exercise your discretion and allow this matter to proceed with a telephonic sentencing. This is authorized under § 15002(b)(2) of the CARES Act, which allows for telephonic sentencings where delay would cause a "serious harm to the interest of justice".<sup>1</sup> In this case, a delay would cause serious harm to the interest of justice because it could very well result in increased and unnecessary incarceration. Mr. Cantoral-Monroy has been in custody for roughly nine months,<sup>2</sup> Probation is recommending a sentence of eight months and my sentencing submission asks for a sentence of time-served. Under these circumstances, a delayed sentence could very well cause serious harm to justice as it could lead to unnecessary incarceration that is unnecessary.

I have spoken to AUSA Benjamin Gianfoti and he does not object to a telephonic sentencing.

Thank you for your consideration.

Sincerely,



Benjamin Gold

cc: AUSA Benjamin Gianfoti

<sup>1</sup> A copy of the applicable portion of the CARES Act, as well as Chief District Judge McMahon's order regarding remote proceedings, is attached to this letter as Exhibit A and B.

<sup>2</sup> Mr. Cantoral-Monroy was initially held under a federal detainer following his arrest for a state driving offense. He was transferred to federal custody on January 16, 2020.